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Please type a plus sign (+) inside this box → PTO/SB/05 (4/98)  
Approved for use through 09/30/2000. OMB 0651-0032

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b)) Express Mail Label No. EL226882949US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- \* Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- Specification [Total Pages 12]   
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets       ]
- Oath or Declaration [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 16 completed)
    - i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

**NOTE FOR ITEMS 1 & 15: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27, EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).**

16. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment:
- Continuation  Divisional  Continuation-in-part (CIP)

Prior application information: Examiner Venkat L.

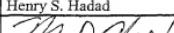
of prior application No: 09/216,578

Group / Art Unit: 1615

For **CONTINUATION OR DIVISIONAL APPS only**: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	24265 (Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> or <input checked="" type="checkbox"/> Correspondence address below
Name	Henry S. Hadad		
Reg. No.	35888		
Address			
City	State	Zip Code	
Country	Telephone (908) 298-2906		Fax (908) 298-5388

Name (Print/Type)	Henry S. Hadad	Registration No. (Attorney/Agent)	35888
Signature		Date	Sept. 29, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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Date

Sept. 29, 2000

PTO/SB/17 (12/99)

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# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12  
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 690.00)

## METHOD OF PAYMENT (check one)

- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit Account Number 19-0365

Deposit Account Name Schering-Plough Corporation

 Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.172.  Payment Enclosed: Check     Money     Order     Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	690	201	345	Utility filing fee	690
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	690	208	345	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$ 690)					

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	0	X	0
Independent 3	3 - 3rd = 0	X	0
Multiple Dependent		X	

\*\* number previously paid, if greater; For Reissues, see below

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim, if not paid
109	78	209	39	** Resuee independent claims over original patent
110	18	210	9	** Resuee claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0)				

Complete if Known					
Application Number		September 29, 2000			
Filing Date		James E. McShane			
First Named Inventor		Venkat, J.			
Examiner Name		1615			
Group / Art Unit		FC0807Q1			
Attorney Docket No.					

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	670	217	435	Extension for reply within third month	
118	1,380	218	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	File a brief in support of an appeal	
121	260	221	130	Petition for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3) (\$)					

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Henry S. Hadad

Registration No.

(Attorney/Agent) 35888

Complete if applicable

Telephone 908-298-2906

Signature

Date September 29, 2000

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: James E. McShane :  
For Patent for : Examiner: Venkat, J.  
FOOT AND SHOE DEODORANT : Group Art Unit: 1615  
Serial No. To be Assigned :  
Filed: September 29, 2000 : Date: September 29, 2000

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Assistant Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Sir:

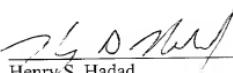
Please amend the specification in the following manner:

Page 1, before "Background" please insert:

--This is a continuation of U.S. Application No. 09/216,578 filed December 18, 1998, which is based on Provisional Application No. 60/068,643, filed December 23, 1997.--

Any questions concerning this submission should be directed to the undersigned at the telephone number listed below.

Respectfully submitted by

  
Henry S. Hadad  
Reg. No. 35,888  
Attorney for Applicants  
(908) 298-2906

EXPRESS MAIL LABEL NO.: EL226882949US

## FOOT AND SHOE DEODORANT

### Background

According to Robert T. Maleeny and William F. Palmer, Environmental Odor Control, Soap/Cosmetics/Chemical Specialties for January 1991, pp. 28-

10 malodors are usually caused by chemicals that are perceived at very low concentrations. Although malodors may not be dangerous to health at low levels, they can affect one's enjoyment of the environment. Maleeny and Palmer disclose that the perfumers of ancient Egypt and Medieval Europe practised masking by deodorizing through the use of perfumes, colognes and 15 sachets. Presently, mild to moderate foot odor is commercially treated with an array of currently marketed products. However, a need exists for a deodorant product which is also effective in the treatment of moderate to severe foot odor. It would also be desirable to provide a deodorant for treating a spectrum of foot and shoe odors, including moderate to severe foot 20 odor.

### Summary of the Invention

The present invention is directed toward a pressurized aerosol for treating foot and/or shoe odors comprising:

- 25 a) micronized zinc oxide;
- b) a propellant for expelling the contents of the aerosol when the pressure is released; and
- c) a solvent.

30 Optionally and preferably, the aerosol further comprises d) a fragrance to help mask any foot odors and/or provide a more pleasant odor to the foot or shoe. Also optional, the aerosol further comprises e) a thickening agent capable of thickening the mixture of the micronized zinc oxide, the propellant

and the carrier or organic solvent. Also optionally, the aerosol further comprises g) a base to neutralize any organic or inorganic acids.

The present invention is also directed towards a composition or concentrate useful for treating foot and/or shoe odors comprising

- 5     i) micronized zinc oxide;
  - ii) at least one solvent;
  - iii) at least one fragrance. Optionally, the concentrate may further comprise
  - iv) at least one thickening agent. Also optionally, the concentrate may further comprise
  - v) a base to neutralize any organic or inorganic acids.
- 10       The present invention is also directed towards a method for treating foot or shoe odors by applying to said foot or shoe a concentrate comprising:
- i) micronized zinc oxide;
  - ii) at least one solvent;
  - iii) at least one fragrance.
- 15       The concentrate employed in the present method, optionally, may further comprise iv) at least one thickening agent. Also optionally, the concentrate employed in the present method may further comprise v) a base to neutralize any organic or inorganic acids. Preferably, the concentrate is contained within an pressurized aerosol and admixed with a propellant for expelling the
- 20       contents of the aerosol when the pressure is released.

The present invention has the advantage of providing an aerosol and concentrate which are highly effective for treating foot and/or shoe odors.

Another advantage of the present invention is that it provides an aerosol and concentrate for treating foot and/or shoe odors that is easy to apply.

Another advantage of the present invention is that it provides an aerosol, a concentrate and a method for treating foot and/or shoe odors that

effectively treats or reduces foot odors faster and more rapidly than other known methods or compositions.

Another advantage of the present invention is that it provides an aerosol and concentrate for treating foot and/or shoe odors that may have a

- 5 reduced tendency to clog the nozzle or dispenser of the aerosol compared with other known compositions.

And still yet another advantage of the present invention is that it provides an aerosol and concentrate for treating foot and shoe odors that effectively eliminates or controls foot wetness faster or more rapidly than other  
10 known compositions.

#### Detailed Description of the Invention

As used in the present specification, the terms "controlling" and "reducing," with regard to treating foot odor, are used interchangeably.

- 15 Except as noted, the percentage of ingredients in the composition employed in the aerosol (including propellant) is by weight percent. However, the percentage of ingredients in the composition without the propellant (i.e. the concentrate) can be determined by recalculating the percentages of the ingredients.

- 20 Microcronized zinc oxide is employed in amounts effective for treating foot and/or shoe odors. Such amounts in the aerosol can range from about 0.5 to about 15% by weight in the composition of the aerosol, preferably from about 2 to about 12% by weight, more preferably from about 3 to about 10% by weight. Without or absent the propellant, the amount of micronized zinc in  
25 the concentrate can range from about one to about 90% by weight, preferably from about 10 to about 50% by weight, more preferably from about 15 to about 45% by weight. Physically, micronized zinc oxide is a white, odorless powder comprised of loosely aggregated ultra fine nanometer particles. The average particle size of the micronized zinc oxide can range from about 26 to

about 46 nanometers (nm), preferably from about 30 to about 40 nanometers, more preferably about 35 to about 37 nm, most preferably about 36 nm. The specific surface area can range from about 20 to about 40 meters squared per gram ( $\text{m}^2/\text{g}$ ), preferably from about 25 to about 35  $\text{m}^2/\text{g}$ , more preferably

- 5    about 30  $\text{m}^2/\text{g}$ , using a test method of gas absorption, such as, for example, the Breunnerhauer, Emmett, Edward and Teller (BEET) theory for measurement of surface area based upon absorption of gases to surfaces. The micronized zinc oxide should be applied to the foot and/or shoe in an amount effective to reduce foot and/or shoe odors. Such amounts can range
- 10    from about 5 to about 250 milligrams of micronized zinc oxide per foot or shoe, preferably from about 50 to about 150 milligrams of micronized zinc oxide. Micronized zinc oxide is commercially available as for example from Nanophase Technologies Corporation, Burr Ridge, Illinois. Alternatively, micron-sized particles of zinc oxide can be obtained during the manufacture of
- 15    the zinc oxide. Where micronizing techniques are employed, the zinc oxide may be micronized to the desired particle size range by conventional techniques, for example, using a ball mill, ultrasonic means, or preferably using fluid energy attrition mills such as the trost fluid energy mill from Plastomer Products, Newton, Pennsylvania 18940. When using a fluid
- 20    energy attrition mill, the desired particle size can be obtained by varying the feed rate of the zinc oxide into the mill. Preferably, the micronized zinc oxide is of sufficient quality to meet or comply with appropriate government regulations.

The propellant is the gas in the aerosol canister or pressure bottle for expelling the contents when the pressure is released. The gas or gases should have a sufficiently high vapor pressure in the aerosol canister to pressurize the contents of the canister to expel the composition from the aerosol canister. Suitable propellants include ethers such as dimethyl ether (DME); and aliphatic hydrocarbons such as the C<sub>3</sub> to C<sub>5</sub> hydrocarbons,

including propane, butane, n-butane, isobutane or mixtures thereof. Such propellants, individually, have vapor pressures ranging from about 17 to about 100 psig at 70°F, preferably from about 25 to about 50 psig at 70°F. The amount of propellant in the aerosol can range from about 10 to about 90%

- 5 (wt), preferably from about 40 to about 85%, more preferably from about 65 to about 80%, most preferably about 70 to about 77%.

The solvent can be any substance capable of carrying and/or maintaining the micronized zinc oxide and other ingredients in the composition in a substantially uniform mixture or suspension for uniform

- 10 expulsion and dissipation from the aerosol canister to the target foot and/or shoe. Suitable solvent can include water; and organic solvents capable of evaporating from the skin or shoe surface such as C<sub>1</sub> to C<sub>3</sub> alcohols, including methanol, ethanol, propanol and isopropanol. The solvent is used in amounts effective to carry and/or maintain the micronized zinc  
15 oxide and other ingredients in the composition in a substantially uniform mixture or suspension in the presence of a pressurizing propellant. The amount of solvent in the composition of the aerosol can from about zero to about 80 percent, preferably from about 4 to about 50 percent, more preferably from about 5 to about 20 percent. Without the propellant, the  
20 amount of solvent in the composition or concentrate can range from about zero (0) to about 80% by weight, more preferably from about 20 to about 75%.

Optionally, a fragrance (an aromatic compound) can be added to the composition or aerosol to impart an aesthetically pleasing aroma to the composition or aerosol and to mask any foot and shoe odors. Typical

- 25 fragrances include aromatic materials extracted from botanical sources (i.e. rose petals, gardenia blossoms, jasmine flowers, etc.) which can be used alone or in any combination to create essential oils. Alternatively, alcoholic extracts may be prepared for compounding fragrances. The fragrance may

also be encapsulated. One or more fragrances can optionally be included in the aerosol in an amount ranging from about 0 to about 5 percent, preferably from about 0.01 to about 5 weight percent, also preferably about 0.1 to about 3 percent, more preferably from about 0.2 to about 2.5 percent. Without the propellant, the amount of fragrance in the composition or concentrate can range from about zero to about 15% by weight, preferably from about one to about 11%.

Optionally, a thickening agent can also be added to the composition or aerosol to thicken the contents of the aerosol, including the micronized zinc oxide, the solvent solvent and any other ingredients, to maintain more uniformly or homogeneously the ingredients in the aerosol. Suitable thickening agents include Bentone® thickener which is an organically modified hectorite (marketed by Rheox Inc. of Hightstown, New Jersey), fatty alcohols such as cetyl, lauryl, stearyl, and the like; soaps such as sodium stearate, sodium myristate and the like, bentonite, cellulosic ethers such as methyl cellulose, sodium cellulose glycollate (sodium carboxymethyl cellulose), silica gel, alumina gel or mixtures thereof. A thickening agent may optionally be included in the composition of the aerosol in an amount ranging from about 0 to about 1 percent, preferably from about 0.1 to about 1 percent, more preferably from about 0.2 to about 1 percent. Without the propellant, the amount of thickening agent in the concentrate can range from about 0.1 to about 5% by weight, more preferably from about 0.2 to about 3%.

Optionally, a base may be added to neutralize any organic or inorganic acids present on the foot or shoe interior. Suitable bases include alkaline earth oxides such as calcium oxide and magnesium oxide; carbonates such as sodium carbonate and sodium bicarbonate; and organic bases such as triethanolamine and aminoethylpropanol (AMP). The base may optionally be included in the composition of the aerosol in an amount ranging from about 0

to about 10 percent, preferably from about one to about 5 percent. Without the propellant, the amount of base in the composition or concentrate can range from about zero to about 30% by weight, more preferably from about 5 to about 25%.

- 5        The aerosol container or can may be made of any suitable material capable of being pressurized with the propellant. Such materials can include rolled steel, aluminum, tin and mixtures or alloys thereof.

The following examples describe embodiments of the present invention which may be practised, but they are not to be interpreted as limiting the

- 10      scope of the claims.

Example 1. Foot Deodorant Aerosol

Ingredient	% wt/wt basis in aerosol (with propellant)	% wt/wt basis in concentrate (no propellant)
Isobutane Propellant	77.00	0.00
Micronized Zinc Oxide	4.25	18.5
Ethyl Alcohol	17.22	75.0
Sodium Bicarbonate	1.28	5.5
Fragrance	0.25	1.0
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>

To an explosion proof jacketed batch tank, mix about two-thirds of the ethyl alcohol and the sodium bicarbonate. Pass the mixture through a colloid mill. Mix in the remaining ethyl alcohol, the micronized zinc oxide and the

- 15      fragrance to form a concentrate. Pass the concentrate through a colloid mill and fill an aerosol can with 23% concentrate and 77% isobutane propellant.

Example 2. Foot Deodorant Aerosol

Ingredient	% wt/wt basis in aerosol (with propellant)	% wt/wt basis in concentrate (no propellant)
Isobutane Propellant	77.0	0.0
Micronized Zinc Oxide	10.0	43.5
Ethyl Alcohol	6.0	26.0
Sodium Bicarbonate	4.0	17.5
Bentone	0.5	2.1
Fragrance	2.5	10.9
TOTAL	100.0	100.0

Essentially the same procedure as in Example 1 is employed, except that

- 5 Bentone is added to the concentrate and the percentages of the remaining ingredients are modified.

Example 3. Testing the Aerosol

Protocol. A study was conducted to evaluate the effectiveness of the aerosol

- 10 foot deodorant of Example 1 in reducing foot odor of at least moderate severity. Subjects were selected with particularly intense foot odor. Subjects discontinued the use of all foot products at least 48 hours prior to enrollment. They chose a pair of shoes (or sneakers) to wear for at least 8 hours each day and wore the same type of socks/hosiery throughout the study. Odor was  
15 scored in accordance with an 11-point malodor intensity scale ranging from zero to 10. In this scale, an average malodor score of zero is none or no odor, 5 is moderate odor, 7 is moderately strong odor, 8 is strong odor and 10 is extremely strong odor. Subjects applied aerosol spray cans containing the propellant formulation of Example 1 once each day, in the morning before  
20 dressing, to the foot and the corresponding shoe. When applied to the foot, the aerosol was applied to the sole and between the toes. When applied to the shoe, the aerosol was applied to the entire inside area of the shoe that

goes on the foot. Foot, shoe and sock odors were evaluated on the first (baseline), third and eighth day.

Results. Significant reductions in average overall (moderate and severe) odor scores were achieved for shoe odor by the third day and for foot, shoe, sock

- 5 and combined odor scores by the eighth day. Also, the aerosol was also able to significantly eliminate foot wetness. The aerosol significantly prevent foot odor before it started when applied to clean feet. The aerosol also significantly prevented foot wetness before it started when applied to dry feet.
- 10 The aerosol also significantly kept foot wetness under control throughout the day. The results show that an aerosol containing micronized zinc oxide was highly effective in controlling moderate to severe foot odors.

CLAIMS

1. A pressurized aerosol for treating foot and/or shoe odors comprising:
  - a) micronized zinc oxide;
  - b) a propellant for expelling the contents of the aerosol when the pressure is released; and
  - c) a solvent.
2. The aerosol of claim 1 wherein the amount of micronized zinc oxide in the aerosol is in the range from about 0.5 to about 15% by weight.
3. The aerosol of claim 1 wherein the amount of micronized zinc oxide in the aerosol is in the range from about 2 to about 12% by weight.
- 10 4. The aerosol of claim 1 wherein the amount of micronized zinc oxide in the aerosol is in the range from about 3 to about 10% by weight.
5. The aerosol of claim 1 wherein the average particle size of the micronized zinc oxide is in the range from about 26 to about 46 nanometers.
- 15 6. The aerosol of claim 1 wherein the average particle size of the micronized zinc oxide is in the range from about 30 to about 40 nanometers.
7. The aerosol of claim 1 wherein the average particle size of the micronized zinc oxide is in the range from about 35 to 37 nanometers.
8. The aerosol of claim 1, further comprising
- 20 d) a fragrance to help mask any foot odors and/or provide a more pleasant odor to the foot or shoe.
9. The aerosol of claim 8, further comprising
  - e) a thickening agent capable of thickening the contents of the aerosol.
10. The aerosol of claim 9, further comprising
- 25 g) a base to help neutralize any organic or inorganic acids.
11. A concentrate useful for treating foot and/or shoe odors comprising
  - i) micronized zinc oxide;
  - ii) at least one solvent;
  - iii) at least one fragrance.

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12. The concentrate of claim 11 wherein the amount of micronized zinc oxide in the concentrate is in the range from about 1 to about 90% by weight.
  13. The concentrate of claim 11 wherein the amount of micronized zinc oxide in the concentrate is in the range from about 10 to about 50% by weight.
  - 5 14. The concentrate of claim 11 wherein the amount of micronized zinc oxide in the concentrate is in the range from about 15 to about 45% by weight.
  15. The concentrate of claim 11 further comprising
    - iv) at least one thickening agent.
  16. The concentrate of claim 15 further comprises
    - 10 v) a base to neutralize any organic or inorganic acids.
  17. A method for treating foot or shoe odors by applying to said foot or shoe a concentrate comprising:
    - i) micronized zinc oxide;
    - ii) at least one solvent;
    - 15 iii) at least one fragrance.
  18. The method of claim 17 further comprising
    - iv) at least one thickening agent.
  19. The method of claim 18 further comprising
    - v) a base to neutralize any organic or inorganic acids.
  20. 20. The method of claim 17 wherein said concentrate is contained within an pressurized aerosol and admixed with a propellant for expelling the contents of the aerosol when the pressure is released.

## ABSTRACT

- A pressurized aerosol and concentrate are described for treating moderate to severe foot and/or shoe odors. The aerosol contains micronized zinc oxide, a  
5 propellant and a solvent. Optionally, the aerosol may also contain a fragrance, a thickening agent and/or a base.

000660-32652960

DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION

Attorney's Docket No. FC0807Q

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"FOOT AND SHOE DEODORANT"**

the specification of which

is attached hereto.

was filed on December 18, 1998 as Application Serial No. 09/216,578  
and was amended on \_\_\_\_\_ (if applicable).

was filed on \_\_\_\_\_ as PCT International Application No. \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes or No
----------	-----------	------------------------	-----------

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>60/068,643</u> (Application Number)	<u>December 23, 1997</u> (Filing Date)	
---	---	--

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status – patented, pending, abandoned)
--------------------------	---------------	---

Power of Attorney: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in Patent and Trademark Office connected therewith. (List name and registration number.)

Carl W. Battle	Reg. No. 30731	Joseph T. Majka	Reg. No. 30570
Edwin P. Ching	Reg. No. 34090	Arthur Mann	Reg. No. 35598
Eric S. Dicker	Reg. No. 31699	Edward H. Mazer	Reg. No. 27573
Norman C. Dulak	Reg. No. 31608	Jaye P. McLaughlin	Reg. No. 41211
Cynthia L. Foulke	Reg. No. 32364	Sheela Mohan-Peterson	Reg. No. 41201
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Richard J. Grochala	Reg. No. 31518	Immac J. Thampoe	Reg. No. 36322
Thomas D. Hoffman	Reg. No. 28221	Paul A. Thompson	Reg. No. 35385
Henry C. Jeanette	Reg. No. 30856	Donald W. Wyatt	Reg. No. 40,876
Susan Lee	Reg. No. 30653	Palalyur S. Kaiyanaraman	Reg. No. 34,634
Anita W. Magatti	Reg. No. 29825		

Send Correspondence to:	Direct Telephone Calls to:
Joseph T. Majka Schering-Plough Corporation Patent Department, K-6-1, 1990 2000 Galloping Hill Road Kenilworth, New Jersey 07033-0530	Name: Joseph T. Majka Telephone No.: (908) 298-5075 Facsimile No.: (908) 298-5388

FULL NAME OF 1ST OR SOLE INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	McShane	James	E.
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	Memphis	Tennessee	U.S.A.
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
	3110 Raleigh Ridge Cove	Memphis	Tennessee 38128

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of First Inventor

*James C. McShane*

Date

MARCH 11, 1999

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